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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,501	12/02/2004	Mitsuteru Kataoka	2004 1922A	5131
513 7590 05/22/2009 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER HONG, HYUNJ				
ART UNIT 2426		PAPER NUMBER		
MAIL DATE 05/22/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/516,501

**Applicant(s)**

KATAOKA, MITSUTERU

**Examiner**

Hyun J. Hong

**Art Unit**

2426

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-10 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**10516501DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/10/09 has been entered.

***Response to Arguments***

**Regarding claims 1, 3, 8, 10, 15**, applicant argues that Hellhake does not disclose sending out the control content and the content, both of which are in the same format. Examiner respectfully disagrees. Hellhake discloses that each data file is comprises of control elements and content elements (col. 4 lines 20-24, col. 4 lines 45-52). The control elements of the data file contain the instructions that are necessary to act upon the remaining elements, including content data, of the file. The content and control data elements are contained in the same file, and thus are sent in the same format.

**Regarding claims 1, 3, 8, 10, 15**, a new grounds of rejection will be used to meet certain limitations of the newly amended claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7-10, 14-16, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellhake (US 5,877,755) in view of Siann (US 2003/0120541).

**Regarding claim 1**, Hellhake discloses A non-storage type broadcasting system for providing one or more services composed of a content in real-time for viewing by a user (col. 4 lines 26-51) and providing a user interface unique to each of the services (figs. 6-8), the system comprising:

transmission means (broadcast video channel) for sending out a control content (data in the form of files), which implements the user interface (col. 4, line 52), as a part or whole of the content (col. 4 lines 27-35); and

reception means (core program) for receiving the sent control content and activating the received control content (data) to execute the user interface (col. 4 line 52, col. 4 lines 36-51),

wherein said transmission means includes:

a content transmission means for sending out the control content and the content, both of which are in the same format (col. 4 lines 20-24, col. 4 lines 45-52);

However, Hellhake does not specifically disclose a content header addition means for adding, to the content, a content header which defines details of the content.

In analogous art, Siann discloses a content header addition means for adding, to the content, a content header which defines details of the content ([0079]). It would have been obvious to combine the content header of Siann into the broadcasting system of Hellhake. This would allow applications to easily distinguish between various data files.

**Regarding claim 2**, Hellhake discloses The non-storage type broadcasting system according to claim 1, wherein the control content (*data includes software that allows the user to browse through the available content by selecting items from a menu as shown in Fig. 7*) is a browser for the content (fig. 7, col. 6 lines 18-29).

**Regarding claim 3**, Hellhake discloses The non-storage type broadcasting system according to claim 1, wherein the transmission means includes:

service attribute information sending means for sending out service attribute information indicating details of the services ("file ID", fig. 6), and

wherein the reception means includes control content identification means for identifying the control content from among received contents (*the core program can determine from the file names with the aid of the software in the data*) based on the received contents and the service attribute information (col. 6 lines 4-17).

**Regarding claim 7**, Hellhake discloses The non-storage type broadcasting system according to claim 3,

wherein the content sending means further includes content ID space management means for sending out information which defines a partial space of an ID space of the content (fig. 7 *There are 7 selectable items which can be ID space and this space can be further defined when one of the items is selected*), and

wherein the reception means further includes identification means for identifying the control content based on whether a content ID falls within the partial space (fig. 7).

**Regarding claim 8**, see the rejection of claim 1.

**Regarding claim 9**, see the rejection of claim 2.

**Regarding claim 10**, see the rejection of claim 3.

**Regarding claim 14**, see the rejection of claim 7.

**Regarding claim 15**, Hellhake in view of Siann discloses A reception device for use in a non-storage type broadcasting system for providing one or more services composed of a content in real-time for viewing by a user and providing a user interface unique to each of the services, the reception device receiving a control content which implements the user interface, the content having added a content header which defines details of the content ([0079] of Siann), the control content being transmitted in the same format as the content, the reception device comprising (see claim 1):

reception means (CPE(14) of Hellhake) for receiving contents transmitted from a the transmitter (col. 4 lines 20-51 of Hellhake);

extraction means (CPE(14) of Hellhake) for demodulating the received contents and extracting the content header and the content (col. 4 lines 20-51, figs. 6-8 of Hellhake); and

control content identification means for identifying the control content from among the received contents based on the extracted content header (col. 4 lines 20-51, figs. 6-8 of Hellhake).

An executing means for activating the control content and executing the user interface (col. 4 lines 20-51 of Hellhake).

**Regarding claim 16**, Hellhake in view of Siann discloses The reception device according to claim 15,

wherein in the non-storage type broadcasting system, the content is transmitted after being further added with, a service attribute information indicating details of the service (col. 4 lines 36-40 of Hellhake, [0079] of Siann),

wherein the extraction means further extracts the service attribute information from the received contents (col. 5 lines 36-40 of Hellhake), and

wherein the control content identification means identifies the control content from among the received contents based on the extracted service attribute information (col. 4 lines 20-51 of Hellhake).

**Regarding claim 19**, see the rejection of claim 7.

Claims 5-6, 12-13, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellhake (US 5,877,755) in view of Siann (US 2003/0120541) in view of Markandey (US 6,526,144).

**Regarding claim 5**, Hellhake in view of Siann discloses the non-storage type broadcasting system according to claim 3.

However, Hellhake in view of Siann does not disclose the transmission means further includes electronic signature means for applying an electronic signature to the control content, wherein the service attribute information sending means sends out a public key of the electronic signature in the service attribute information, wherein the reception means further includes signature authentication means for authenticating the electronic signature with the public key contained in received service attribute information, and wherein the control content is identified by authenticating the electronic signature.

In analogous art, Markandey discloses the transmission means further includes electronic signature means ("Secure Hash Algorithm and Digital Signature Standard") for applying an electronic signature to the control content (col. 4 lines 44- col. 5 lines 8),

wherein the service attribute information sending means sends out a public key (transmitter public key) of the electronic signature in the service attribute information (col. 4 lines 44- col. 5 lines 8) ,

wherein the reception means further includes signature authentication means for authenticating the electronic signature with the public key contained in received service attribute information (col. 4 lines 44- col. 5 lines 8), and

wherein the control content is identified by authenticating the electronic signature (col. 4 lines 44- col. 5 lines 8).



It would have been obvious to combine the signature means of Markandey into the broadcasting system of Hellhake in view of Siann. This would improve the broadcasting system by increasing security and increasing revenues by having all users pay for the available services.

**Regarding claim 6**, Hellhake in view of Siann in view of Markandey discloses The non-storage type broadcasting system according to claim 5, wherein the authentication by the electronic signature is performed using a key independent of each service (col. 5 lines 9-14 of Markandey).

**Regarding claim 12**, see the rejection of claim 5.

**Regarding claim 13**, see the rejection of claim 6.

**Regarding claim 17**, see the rejection of claim 5.

**Regarding claim 18**, see the rejection of claim 6.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hyun J. Hong whose telephone number is (571)270-1553. The examiner can normally be reached on M-F (9:30a-7:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571)272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. J. H./  
Examiner, Art Unit 2426

/JOSEPH P. HIRL/  
Supervisory Patent Examiner, Art Unit 2426  
May 20, 2009